

# **TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Daniel J. Stallone, Code Compliance Official: 797-1121

**SUBJECT:** Resolution

**AFFECTED DISTRICT:** District 2

**TITLE OF AGENDA ITEM:** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN IN CASE NO. 00-561 FROM \$35,500 IN AMOUNT TO \$2,500; AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The property owner was cited for storage of derelict vehicles, commercial vehicles, litter and maintaining a nuisance and eyesore. All violations have been corrected at this time. Mitigation is now acceptable.

**PREVIOUS ACTIONS:** Not applicable.

**CONCURRENCES:** The respondent agreed with the recommendation of the Special Master.

**FISCAL IMPACT:** Not applicable.

**RECOMMENDATION(S):** Motion to approve the resolution.

**Attachment(s):** Resolution, Mitigation Request Summary and Special Master recommendation.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN IN CASE NO. 00-561 FROM \$35,500 IN AMOUNT TO \$2,500; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, LEF/DAVIE LLC, requested a mitigation of a Code Compliance lien from \$35,500 to \$2,500; and

WHEREAS, the Town of Davie Code Compliance Division has determined that the violation of Code Sections 11-17, 12-33(G), 12-33(T) 9-51(a) were corrected; and

WHEREAS, the Town of Davie Code Compliance Special Master suggested that based upon mitigating circumstances, the mitigation of the original lien be from \$35,500 to \$2,500; and

WHEREAS, LEF/DAVIE LLC, and the Code Compliance Special Master are agreeable to such mitigation.

WHEREAS, the Town Council is agreeable to such mitigation.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That the certain Code Compliance lien arising out of Case 00-561 in the amount of \$35,500, against LEF/DAVIE LLC, is hereby mitigated in amount to \$2,500.

SECTION 2. That this mitigated amount of \$2,500 be paid to the Town within 45 days of the enactment of this Resolution. Should this amount of \$2,500 not be paid within the specified time the lien shall revert to the original amount of \$35,500.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2002

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002

## **MITIGATION REQUEST SUMMARY**

DATE: March 12, 2002

NAME: LEF/DAVIE LLC

ADDRESS: 3890 SW 64 Avenue

CASE: 00-561

### **SUMMARY:**

Date respondent cited:	December 13, 2000
Date of Final Order:	January 10, 2001
Non-Compliance Hearing(s):	August 25, 2001
Fine/Lien(s) Imposed:	\$35,500

---

---

Date of Mitigation Hearing by Special Master:	February 19, 2002
Mitigation amount recommended by Special Master	\$ 2,500
Amount the respondent desires to pay:	\$ 2,500

---

The property owner was cited for the following violations of the Town of Davie Code:

- 1) Section 11-17: Display of vehicles for sale
- 2) Section 12-33(G): Prohibited parking of commercial vehicles, trucks and trailers
- 3) Section 12-33(T): Maintaining a public nuisance and eyesore
- 4) Section 9-51(a): Litter on premises

The property owners, LEF/DAVIE LLC, were cited for violations including allowing display/parking of vehicles for sale, prohibited parking of commercial trucks and trailers, maintaining a public nuisance and eyesore caused by the vacant and unsecured building, and allowing litter to remain on premises. At this time, the violations have been fully corrected and mitigation is possible.

The mitigated amount will cover the Town expenses and the recommendation of the Special Master as to the mitigated amount of \$ 2,500 should be considered and approved by the Town Council and the respondent given 45 days to pay the mitigated amount.

DANIEL J. STALLONE  
CODE COMPLIANCE OFFICIAL

LAW OFFICES  
**ALAN L. GABRIEL**

INTERNATIONAL BUILDING \* PENTHOUSE EAST  
2455 EAST SUNRISE BOULEVARD  
FORT LAUDERDALE, FLORIDA 33304-3119

ALAN L. GABRIEL  
LARA J. EDELSTEIN □  
JONATHAN C. SHAMRES †

TELEPHONE (954) 561-2230  
FACSIMILE (954) 561-7489  
E-MAIL agabriel24@aol.com

□ Also Admitted in Georgia  
† Of Counsel

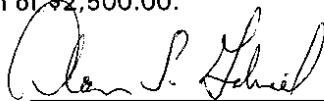
February 21, 2002

Daniel Stallone  
Code Enforcement Supervisor  
TOWN OF DAVIE  
6591 Orange Drive  
Davie, FL 33314-3399

RE: Mitigation Request for Code Enforcement Case No. 00-561  
TOWN OF DAVIE v. LEF/DAVIE LLC

Dear Mr. Stallone,

At the Town of Davie Special Master Hearing held on February 19, 2002, the above referenced Mitigation Request was heard. Upon testimony heard and the evidence received, it is my recommendation, as Special Master and after having considered the special considerations and findings regarding this matter, that the Town of Davie Council accept the request for mitigation from the original Code Enforcement lien amount of \$35,500.00 to the reduced sum of \$2,500.00.



ALAN L. GABRIEL, Esquire  
Special Master

ALG/kgc/davie/00-561.mit